

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

VINCENT X. LEE,
Register No. 37915,

Plaintiff,

v.

ARTHUR WOOD, et al.,

Defendants.

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No. 05-4255-CV-C-NKL

ORDER

On October 5, 2005, the United States Magistrate Judge recommended that plaintiff be denied leave to proceed in forma pauperis and his claims be dismissed, pursuant to 28 U.S.C. § 1915, because plaintiff has three or more cases or appeals dismissed as frivolous or for failure to state a claim. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on November 2, 2005. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, pursuant to 28 U.S.C. § 1915, because plaintiff has had three or more cases or appeals dismissed as frivolous or for failure to state a claim [2].

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: January 17, 2006
Jefferson City, Missouri